



Ninety-Eighth Legislature - First Session - 2003
Introducer's Statement of Intent
LR 16 CA

Chairperson: DiAnna R. Schimek
Committee: Government, Military and Veterans Affairs
Date of Hearing: January 29, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LR 16 CA is intended to clarify that employees of political subdivisions of the State are not and will not be considered as executive officers of the State. Article II, Section 1 of the Nebraska Constitution provides:

The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

The Nebraska Supreme Court* has held that an assistant professor at a state college is deemed to be a member of the Executive Branch within the scope of Article II, Section 1, and was therefore ineligible to serve in the Legislative Branch as a State Senator.

LR 16 CA is intended to clarify that employees of the political subdivisions of the State who are not holding elective office are not to be deemed members of the Executive Branch. Therefore, they are eligible to serve in the Legislative Branch as duly elected or appointed members of the Unicameral.

**State ex rel Spire v. Conway*, 238 NEB. 766, 472 N.W. 2d 403 (1991).

Principal Introducer: _____
Senator Vickie D. McDonald